

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**JASON JORDAN; ALYSSA JORDAN, INDIVIDUALLY
AND ON BEHALF OF THE ESTATE OF UNBORN
BABY JORDAN, DECEASED AND ON BEHALF OF ALL
OF THE HEIRS AND LAW AND WRONGFUL DEATH
BENEFICIARIES OF UNBORN BABY JORDAN, DECEASED;
AND CHRISTOPHER SOUKUP** PLAINTIFFS

V. CAUSE NO.: 1:13-CV-00195-LG-JMR

**PREMIER ENTERTAINMENT BILOXI, LLC
d/b/a HARD ROCK HOTEL & CASINO BILOXI; THE CITY
OF BILOXI, MISSISSIPPI; DOE DEFENDANT ONE; JOSHUA
HAMILTON, IN HIS OFFICIAL AND INDIVIDUAL CAPACITIES;
DOE DEFENDANT THREE; DOE DEFENDANT FOUR; DOE
DEFENDANT FIVE AND DOE DEFENDANTS 6-10** DEFENDANTS

AFFIDAVIT OF THOMAS J. BELLINDER

STATE OF MISSISSIPPI

COUNTY OF HINDS

I, THOMAS J. BELLINDER, being duly sworn, state under oath as follows:

1. I am the attorney of record for the Plaintiffs, and I have personal knowledge of the facts set forth in this affidavit. I am fully capable of giving this affidavit.

2. As of the date of the execution of this Affidavit, there are outstanding discovery issues in this matter relevant to whether at all relevant times Defendant Premier Entertainment Biloxi LLC d/b/a Hard Rock Hotel & Casino Biloxi was the agent of The City of Biloxi, whether the official policies promulgated by Defendant Premier Entertainment Biloxi LLC d/b/a Hard Rock Hotel & Casino Biloxi (including written policy statements, ordinances, regulations, and evidence) evidence an agency relationship between it and the City of Biloxi and whether Defendant Premier Entertainment Biloxi

LLC d/b/a Hard Rock Hotel & Casino Biloxi was a state actor as contemplated under 42 U.S.C. § 1983.

3. Plaintiffs need additional time to conduct discovery in order to properly pursue their claims.

4. Pursuant to Fed.R.Civ.P. 56(d), the Court should defer consideration of Defendants' Motion for Partial Dismissal or deny it, to allow time to obtain affidavits or declarations and to take discovery.

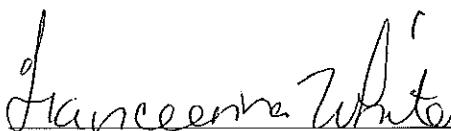
5. That this affidavit is executed by affiant herein in accordance with Rule 56(d) of the Federal Rules of Civil Procedure, for the purpose of enabling the Plaintiffs additional time to conduct discovery and to provide the court with sufficient grounds to deny Defendant's Motion for Partial Dismissal.

FURTHER AFFIANT SAYETH NOT.



Thomas J. Bellinder
Attorney for Plaintiffs

Sworn to and subscribed before me this 28th day of May,
2013.



Franceenina White
Notary Public

